**Order Type:** 

Findings Agreed Order

**Findings Order Justification:** 

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MLM - PWS, WQ

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

City of Mart, 112 North Commerce Street, Mart, McLennan County

Type of Operation:

Public water supply

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 11, 2011

Comments Received: No

Penalty Information

**Total Penalty Assessed:** \$48,405

**Amount Deferred for Expedited Settlement: \$0** 

**Amount Deferred for Financial Inability to Pay:** \$43,672

Total Paid to General Revenue: \$148 Total Due to General Revenue: \$4,585

Payment Plan: 35 payments of \$131 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Average

Site/RN - N/A

Major Source: PWS - Yes

**Statutory Limit Adjustment: \$-450** 

Major Source: WQ - No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

# **Investigation Information**

**Complaint Date(s):** N/A **Complaint Information**: N/A

Date(s) of Investigation: October 12, 2010

Date(s) of NOE(s): October 29, 2010

## **Violation Information**

- 1. Failed to prevent the unauthorized discharge of other waste into or adjacent to the waters in the state [Tex. Water Code § 26.121(a)(2)].
- 2. Failed to maintain the turbidity level of the combined filter effluent ("CFE") so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU") and not to exceed 0.3 NTU in at least 95% of the samples tested each month [30 Tex. Admin. Code § 290.111(e)(1)(A) and (B) and Tex. Health & Safety Code 341.0315(c)].
- 3. Failed to measure and record the turbidity level of the CFE at least every four hours [30 Tex. Admin. Code § 290.111(e)(3)(B)].
- 4. Failed to meet the inactivation requirements of the disinfection process used by the Facility for a period longer than four consecutive hours [30 Tex. Admin. Code § 290.111(d)(1)(D) and Tex. Health & Safety Code § 341.0315(c)].
- 5. Failed to monitor the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan [30 Tex. Admin. Code § 290.111(d)(2)(A)].
- 6. Failed to continuously monitor and record the disinfectant residual of the water entering the distribution system [30 Tex. Admin. Code § 290.110(c)(1)(A)].
- 7. Failed to maintain a disinfectant residual of at least 0.2 milligrams/liter ("mg/L") of free chlorine for a period more than four consecutive hours [30 Tex. Admin. Code § 290.110(f)(4) and Tex. Health & Safety Code § 341.0315(c)].
- 8. Failed to correct the performance-limiting factors identified in the October 2008 Mandatory Comprehensive Performance Evaluation ("MCPE") Corrective Action Plan ("CAP") [30 Tex. Admin. Code § 290.111(i)(7)].
- 9. Failed to measure and record the turbidity level at the effluent of each filter once each day the Facility is in operation [30 Tex. Admin. Code § 290.111(e)(3)(D)(ii)].

# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, cease all unauthorized discharges from the Facility's sludge settling lagoon.
- b. Within 30 days:
- i. Submit written certification as described in Ordering Provision e. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.
- ii. Begin maintaining the turbidity level of combined filter effluent below 1.0 NTU and 0.3 NTU in at least 95% of the tested samples;
- iii. Begin measuring and recording the turbidity level of the CFE at least every four hours;
- iv. Develop and implement procedures to ensure the inactivation requirements of the disinfection process are met;
- v. Begin measuring and recording the following: disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan;
- vi. Begin continuously monitoring and recording the disinfectant residual of the water entering the distribution system;
- vii. Begin maintaining a minimum disinfectant residual of 0.2 mg/L of free chlorine for treated water for a period more than four consecutive hours; and
- viii. Begin measuring and recording the turbidity level at the effluent of each filter once each day the Facility is in operation.
- c. Within 45 days, submit written certification as described in Ordering Provision e. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii. through b.viii.

# d. Within 180 days:

- i. Properly dispose of all Facility wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operations and recycle decant from the sludge settling lagoon according to Commission standards; and
- ii. Correct performance-limiting factors identified during the October 2008 MCPE CAP. Submit a detailed report addressing the corrective measures taken to correct the performance limiting factors, including but not limited to those listed in Section I (Findings of Fact) paragraphs 10.a. through 10.o.
- e. Within 195 days, submit written certification demonstrating compliance.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

# **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Debra Barber, Enforcement

Division, MC 219, (512) 239-0412 **TCEQ SEP Coordinator**: N/A

Respondent: The Honorable Wanda G. Cornell, Mayor, City of Mart, P.O. Box 360,

Mart. Texas 76664

Respondent's Attorney: Charlie Buenger, City Attorney, City of Mart, P.O. Box 360,

Mart, Texas 76664

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 DATES Assigned Screening 8-Nov-2010 EPA Due 31-May-2008 8-Nov-2010 PCW RESPONDENT/FACILITY INFORMATION Respondent City of Mart Reg. Ent. Ref. No. RN101388544 Major/Minor Source Major Facility/Site Region 9-Waco CASE INFORMATION No. of Violations 8 Enf./Case ID No. 40697 Docket No. 2010-1844-MLM-E Media Program(s) Public Water Supply Order Type Findings Government/Non-Profit Yes Enf. Coordinator Andrea Linson Multi-Media Water Quality EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$18,750 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 130.0% Enhancement Subtotals 2, 3, & 7 \$24,375 Enhancement for 14 NOVs with same/similar violations, 10 NOVs with Notes dissimilar violations and two final agreed orders with a denial of liability. 0.0% Enhancement \$0 Subtotal 4 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount \$2,074 Approx. Cost of Compliance \$43,125 SUM OF SUBTOTALS 1-7 Final Subtotal \$0 0.0% OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

\$43,125

\$42,675

\$42,675

\$0

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

0.0%

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent City of Mart Case ID No. 40697

Reg. Ent. Reference No. RN101388544 Media [Statute] Public Water Supply

Notes

Enf. Coordinator Andrea Linson

### **Compliance History Worksheet**

NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	14	70%
	Other written NOVs	10	20%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audics	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which</i> <i>violations were disclosed</i> )	Q	0%
	Ple	ase Enter Yes or No	r
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (	Adjustment Per Subtotal 3)	centage (Sub	total 2
N/A	Adjustment Per	centage (Sub	total 3
pliance Histo	ry Person Classification (Subtotal 7)		
Average Pe	rformer Adjustment Per	centage (Sub	total 7
pliance Histo	ry Summary		

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	8-Nov-2010	Docket No. 2010-1844-MLM-E	PCW
Respondent	•		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision October 30, 2008
Media [Statute]	Public Water Supply		
Enf. Coordinator Violation Number			
		290.111(e)(1)(A) and (B) and Tex. Health & Safet	ty Code §
Violation Description	not to exceed 1.0 Neph in at least 95% of the s record review, it was NTU for the following p days in June 2008, five in December 2008. exceeded 0.3 NTU in m 9.5% for July 2007, 9.	turbidity level of the combined filter effluent ("CFE telemetric Turbidity Unit ("NTU") and not to exceed samples tested each month. Specifically, at the tirdocumented that the CFE turbidity readings exceed periods: 12 days in July 2007, two days in August 2 days in July 2008, one day in September 2008 and Additionally, the turbidity readings of monthly samples for the following 7% for August 2007, 81.7% for June 2008, 28.0% for September 2008 and 15% for February 2010.	10.3 NTU me of the ded 1.0 2007, 17 d one day mples months:
		Base	Penalty \$1,000
>> Environmental, Proper	rtv and Human Hea	alth Matrix	
Release	Harı	m	
OR Actual			
Potential	\X	Percent 50%	
>>Programmatic Matrix Falsification	Major Moder	rate Minor	
	]	Percent 0%	
Matrix Failure to mai		lity levels could expose customers to a significant a uld exceed levels protective of human health.	smount of
Leaders		***	\$500
,		Adjustment	
			\$500
Violation Events			
Number of	Violation Events 12	365 Number of violation (	days
	dally		
	weekly		
mark only one	monthly x quarterly	Violation Base	e Penalty \$6,000
with an x	semiannual		•
	annual single event		
	Parameter Control of the Control of		
Twelve mont	hly events are recommen	nded, one for each month that had exceedances of requirement.	the NTU
		equiencit	
<b>Good Faith Efforts to Com</b>		.0% Reduction	\$0
	Before Extraordinary	NOV NOV to EDPRP/Settlement Offer	
	Ordinary		
	N/Al <u>x</u>		
	Notes The Res	spondent does not meet the good faith criteria for this violation.	
		Violation	Subtotal \$6,000
Economic Benefit (EB) for	r this violation	Statutory Limit	Test
	ted EB Amount	\$0 Violation Final Pena	
ESUMA	• 5		
	Inis	s violation Final Assessed Penalty (adjusted fo	or limits) \$13,800

Media	RN101388544 Public Water S	Supply				Percent Interest	Years of Depreciation
Violation No.	1					5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
rraining/sampling							
Remediation/Disposal				0.00	\$0	n/a	\$0
				0.00 0.00 0.00	\$0 \$0 \$0	n/a n/a n/a	\$0 \$0 \$0
Remediation/Disposal Permit Costs		The estimate	ed cost for this	0.00	\$0	n/a n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)	ANNUAL			0.00 0.00 violatio	\$0 \$0 In is addressed in	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs	ANNUAL			0.00 0.00 violatio	\$0 \$0 in is addressed in ig item (except in	n/a n/a Violation No. 7. for one-time avoid	\$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	ANNUAL			violatio	\$0 \$0 in is addressed in ing item (except) \$0 \$0	n/a n/a Violation No. 7. For one-time avoic \$0 \$0	\$0 \$0 \$0     <b>ed costs</b>     \$0   \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL			0.00 0.00 violatio	\$0 \$0 in is addressed in in is addressed in so \$0 \$0 \$0	n/a n/a Violation No. 7. For one-time avoid \$0 \$0 \$0	\$0 \$0 \$0 led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			0.00 0.00 violatio	\$0 \$0 in is addressed in sg item (except   \$0 \$0 \$0 \$0	n/a n/a Violation No. 7. For one-time avoic \$0 \$0 \$0 \$0	\$0 \$0 \$0 led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			0.00 0.00 violatio	\$0 \$0 on is addressed in on is addressed in on is addressed in \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  Violation No. 7.  For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			0.00 0.00 violatio	\$0 \$0 an is addressed in <b>ng item (except</b> ) \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a Violation No. 7. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			0.00 0.00 violatio	\$0 \$0 on is addressed in on is addressed in on is addressed in \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  Violation No. 7.  For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 led costs) \$0 \$0 \$0 \$0 \$0

	ening Date		<b>Docket No.</b> 2010-1844-MLM-E	PCW
	Respondent Case ID No.			y Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Re			,	CW REVISION OCCODE 30, 2006
		Public Water Supply		
Enf. (	Coordinator			
Viol	ation Number	<u> </u>		
	Rule Cite(s)	3	0 Tex. Admin. Code § 290.111(e)(3)(B)	
Violatio	n Description	Specifically, at the Respondent did not red hour periods in July	record the turbidity level of the CFE at least every four he time of the record review, it was documented that the cord the CFE turbidity data for the following periods: 60 f 2007, 155 four-hour periods in August 2007, 30 four-ho 18 four-hour periods in July 2008 and 30 four-hour period August 2008.	our- ur.
			Base Per	nalty \$1,000
>> Environme	ntal, Proper	ty and Human He		***************************************
	Release	<b>Har</b> Major Moder		
OR	Actual	Major Mode.		
	Potential	×	Percent 50%	
>>Programma	tic Matrix			
	Falsification	Major Moder		
			Percent 0%	
Matrix			onitoring results of the CFE could result in customers of	
Matrix Notes	Facility being	The second secon	mounts of contaminants which would exceed levels that	are
	<u></u>	pro-	otective of human health.	l
			Adjustment	\$500
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	************************			\$500
				\$300
<b>Violation Event</b>	S			
	Number of V	/iolation Events 5	Number of violation days	
	Ì	daily		
		weekly	***************************************	
	mark only one	monthly x	Violation Base Pen	alty \$2,500
	with an x	quarterly semiannual	Violation base Pen	\$2,500
		annual		
	*	single event		
				<del></del>
	Five monthl	ly events are recommen	ded, based on the months the CFE was not measured an	d
			recorded.	
Card Fairly Fee		ates o	.0% Reduction	\$0
Good Faith Effo	arts to comi	Before		<u> </u>
		Extraordinary	21.03	= =
		Ordinary		di mannin
		N/A <u>x</u>	(mark with x)	шанын
		Notes The Res	spondent does not meet the good faith criteria for this violation.	
		Little garder and process and an artistic delication	Violation Subt	otal \$2,500
Economic Bene	fit (EB) for	this violation	Statutory Limit Tes	<b>)</b>
		ed EB Amount	\$0 Violation Final Penalty T	
		<del>\</del>	s violation Final Assessed Penalty (adjusted for lim	its) \$5,750

Media Violation No.	RN101388544 Public Water S	Supply				Percent Interest	Years of Depreciation
Violation No.	2					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				-			
Equipment				0.00	\$0	\$0	\$0
Buildings			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)							
Notes for DELAYED costs		The estimate	ed cost for this	0.00 violatic	\$0 on is addressed in '	n/a /	<u></u> 50
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			violation enterir 0.00 0.00 0.00 0.00	on is addressed in  ag item (except i  \$0  \$0  \$0  \$0  \$0  \$0	Violation No. 7.  For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			violation enterir 0.00 0.00 0.00	on is addressed in so item (except in so	Violation No. 7.  For one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

g. 101 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	late 8-Nov-2010	<b>Docket No.</b> 2010-1844-MLM-E	PCW
	lent City of Mart		Policy Revision 2 (September 2002)
Reg. Ent. Reference	No. 40697		PCW Revision October 30, 2008
	Ite] Public Water Supply		
	ator Andrea Linson		
Violation Nun			
Rule Cit		de § 290.111(d)(1)(D) and Tex. Health & Safety Co	ode §
		341.0315(c)	
*			to the base declarate
Violation Descrip	Facility for a period long the record review, it w	ivation requirements of the disinfection process usinger than four consecutive hours. Specifically, at the vas documented that the Facility failed to achieve mevels within a four-hour period on June 17, 2008.	e time of
	Hitopooloonidaanaasaasaasaanaanaanaanaanaanaanaanaana		Penalty \$1,000
	perty and Human Hea Harm	n	
	<b>ease</b> Major Modera	ate Minor	
	ctual	Percent 50%	
Pote	ential X	reitent 50%	'
>>Programmatic Matr	ix		
Falsifica			
		Percent 0%	
		the appropriate length of time could cause custom	
Notes Facility to	be exposed to a significant ar	mount of contaminants which would exceed levels p of human health.	protective
THE PROPERTY OF THE PROPERTY O	**************************************	Of figureacts	
		Adjustment	\$500
		\$	
			\$500
Violation Events			
Numbe	r of Violation Events 1	1 Number of violation of	davs
	Laconstantino		• •
	dally		
	weekly		
mark only	nonthly		- 1.
with an	x quarterly	Violation Base	Penalty \$500
	semiannual annual		
	single event x		
	I migic crem L		
	One sir	ngle event is recommended.	7
		00/ 10-4-11-1	\$0
Good Faith Efforts to C	Before N	0% Reduction OV NOV to EDPRP/Settlement Offer	- 50
	Extraordinary		
	Ordinary		
	N/A x	(mark with x)	
	Notes The Resp	pondent does not meet the good faith criteria for this violation.	
		uno violadori.	
	Announcement thinks		
		Violation	Subtotal \$500
Economic Benefit (EB)	for this violation	Statutory Limit	Test
Economic Denem (ED)	ivi tina viviativii	Gidtaroi) Ellint	
Esti	mated EB Amount	\$230 Violation Final Pena	Ity Total \$1,150
	sum t · P ·	violation Final Assessed Donalty (adjusted for	or limits) \$1,000
	This	s violation Final Assessed Penalty (adjusted fo	1 mmts) \$1,000

eg. Ent. Reference No. Media	Public Water S	Supply					Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
- 5 - 15 m. , militan distribution de management en				55400000000	**************************************		
Delayed Costs							
Equipment				0,00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	<u>\$0</u>
Land				0.00	\$0	n/a	<u>\$0</u>
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Training/Sampling	\$200 The delayed of inactivation	tost includes the crequirements for	the Facility's dis	0.00 0.00 3.00 nt to di	\$0 \$0 \$30 evelop and implem on process is met,	n/a n/a n/a nent procedures to e calculated from the	\$0 \$0 \$30 nsure that the
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 nt to do infections estimat	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia	n/a n/a n/a nent procedures to e calculated from the nce.	\$0 \$0 \$30 nsure that the month of the
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 nt to do infections estimat	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia	n/a n/a n/a nent procedures to e calculated from the	\$0 \$0 \$30 nsure that the month of the
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 nt to de infection estimate onterir 0.00	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia ing item (except i	n/a n/a n/a nent procedures to e calculated from the nce.  for one-time avoid	\$0 \$0 \$30 nsure that the month of the led costs) \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 nt to de infection extimate enterine 0.00 0.00	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia og item (except i \$0 \$0	n/a n/a n/a n/a nent procedures to e calculated from the nce.  for one-time avoid \$0 \$0	\$0 \$0 \$30 nsure that the month of the led costs) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel pection/Reporting/Sampling	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 nt to di infection estimate enterir 0.00 0.00 0.00	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia ng item (except i \$0 \$0	n/a n/a n/a n/a nent procedures to e calculated from the nce.  for one-time avoid \$0 \$0 \$0	\$0 \$0 \$30 nsure that the month of the led costs) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 at to di infection enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia ng item (except i \$0 \$0 \$0	n/a n/a n/a n/a nent procedures to e calculated from the nce.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$30 nsure that the month of the led costs) \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Personnel Supplies/equipment Financial Assurance [2]	The delayed of inactivation	tost includes the e requirements for \	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 at to di infection extimate exterir 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia ng item (except i \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a nent procedures to e calculated from the nce.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$30 nsure that the month of the led costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	The delayed of inactivation	cost includes the orequirements for	estimated amou the Facility's dis violation to the e	0.00 0.00 3.00 nt to dinfection extimate 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$30 evelop and implem on process is met, ed date of complia ng item (except i \$0 \$0 \$0	n/a n/a n/a n/a nent procedures to e calculated from the nce.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$30 nsure that the month of the led costs) \$0 \$0 \$0 \$0

Scre	ening Date	8-Nov-2010	<b>Docket No.</b> 2010-1844-MLM-E		PCW
	Respondent			*	n 2 (September 2002)
Reg. Ent. Re	Case ID No. ference No.			PCW Revi	sion October 30, 2008
		Public Water Supply			
Enf. (	Coordinator	Andrea Linson			
Viol	ation Number Rule Cite(s)	4			
	Rule Cite(5)		30 Tex. Admin. Code § 290.111(d)(2)(A)		
Violatio	on Description	pH, temperature, ar that appropriate designated in the Fa review, it was docume the disinfectant faciliti	performance of the disinfectant facilities (disinfectant nd flow rate of the water in each disinfection zone) to disinfectant levels are maintained and conducted at cility's monitoring plan. Specifically, at the time of th ented that the Respondent did not monitor the perfor es for four days in June 2008, four days in July 2008 August 2008, and 31 days in October 2008.	ensure sites e record rmance of	
			Base	e Penalty [	\$1,000
>> Environme	ntal. Proper	ty and Human He	alth Matrix		
	and a transfer of the first of	На	rm		
OR	Release Actual	Major Mode	erate Minor		
	Potential	x i	Percent 50%		
> > <b>D</b>					
>>Programma	Falsification	Major Mode	erate Minor		
			Percent 0%		
	r		action delications for library and delibrary could be	scult is	
Matrix			e of the disinfectant facilities on a daily basis could re sed significant amounts of contaminants which would		
Notes		levels tha	at are protective of human health.		
			Adjustment	\$500	
			, north and the second		
					\$500
Violation Even	ts				
	Number of V	Violetian Events	123 Number of violation of	dave	
	Number of v	/iolation Events 4	123 Number of Violation C	adys	
	mark only one with an x	daily weekly monthly y quarterly semiannual annual single event	Violation Base	e Penalty	\$2,000
	Four monthly 6	events are recommend	ed, based on the months proper monitoring of the dis	sinfection	
			cilities was not conducted.		
	L				
Good Faith Effo	orts to Comp	p <b>ly</b> Before	NOV NOV to EDPRP/Settlement Offer	_	\$0
		Extraordinary			
		Ordinary			
		N/A  <u>x</u>	(mark with x)		
		Notes The Re	spondent does not meet the good faith criteria for this violation.		. •
		Land to the second seco	this violation.		
			Violation	Subtotal	\$2,000
<u>.</u>					
Economic Bene	ent (EB) for	tnis violation	Statutory Limit	rest	
	Estimate	ed EB Amount	\$234 Violation Final Pena	Ity Total	\$4,600
		Th	is violation Final Assessed Penalty (adjusted fo	r limits)	\$4,600
				- •	

of Mart 97 01388544 ic Water S em Cost ommas or \$					Percent Interest	Years of
01388544 ic Water S em <b>Cost</b>	Supply				Percent Interest	Vears of
ic Water S em Cost	Supply				Percent Interest	Vears of
ic Water S em Cost	Supply				Percent Interest	Vears of
em Cost					Percent Interest	
	Date Required					Depreciation
	Date Required				5.0	* 15
ımmas or \$		Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
***************************************			0.00	\$0	\$0	\$0
*************			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00		n/a	\$0
			0.00		n/a	\$0
			0.00		n/a	\$0
	1					\$0
					n/a	\$0
			0.00	\$0	n/a l	\$0
ANNUAL	IZE [1] avoided	costs before	enterir 1 0.00	ng item (except	for one-time avoid	led costs)
			0.00	\$0	\$0	\$0 \$0
***************************************			0.00	\$0 \$0	\$0 \$0	\$0 \$0
			0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
			0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
\$200	1-Jun-2008	8-Nov-2010	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
	ANNUAL	ANNUALIZE [1] avoided	ANNUALIZE [1] avoided costs before	0.00   0.00   0.00   0.00   0.00   0.00   0.00   0.00   0.00		0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0     0.00 \$0 \$0 \$0 \$0     0.00 \$0 \$0 \$0 \$0     0.00 \$0 \$0 \$0 \$0     0.00 \$0 \$0 \$0 \$0 \$0     0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date		<b>Docket No.</b> 2010-1844-MLM-E		PCW
Respondent Case ID No.				n 2 (September 2002) Islon October 30, 2008
Reg. Ent. Reference No.			TOW NEV	3,011 00:000: 30, 2000
Media [Statute]	Public Water Supply			
Enf. Coordinator	<del></del>			
Violation Number Rule Cite(s)	<u> </u>			
•		30 Tex. Admin. Code § 290.110(c)(1)(A)		
	Failed to continuo	usly monitor and record the disinfectant residual of the	water	
		ion system. Specifically, at the time of the record revie		
Violation Description	residual of water en	the Respondent did not continuously monitor the disinfa- tering the distribution system nor perform grab samplir	ng every	
	four hours in lieu of	continuous monitoring for five days in June 2008, three	days in	
		July 2008, and four days in August 2008.		
•	District purity published (States and Expense) and expense as the above and expense are expense and expense are expense and expense and expense and expense and expense are expense are expense and expense are ex	Rase	Penalty	\$1,000
>> Environmental, Proper		ealth Matrix arm		
Release		lerate Minor		
OR Actual		Percent 50%		
Potential	<u> </u>	reiteit 50%		
>>Programmatic Matrix				
Falsification	Major Mod	lerate Minor Percent 0%		
L. L				
		ecord the disinfectant residual on a daily basis could res		
Notes customers		kposed to a significant amount of contaminants which v is that are protective of human health.	vould	
<u> </u>			المستسم	
		Adjustment	\$500	
	•		_	\$500
Vialetias Escata				
Violation Events	painter-printe			
Number of V	/iolation Events	3 92 Number of violation do	ays	
	dally			
	weekly			
mark only one	monthly quarterly	X Violation Base	Penalty	\$1,500
with an x	semiannual			
	annual			
	single event			
Three mor	othly events are recor	nmended, based on the months proper monitoring was	not	
		conducted.		
<u>L</u>				
Good Faith Efforts to Comp		0.0% Reduction e NOV NOV to EDPRP/Settlement Offer		\$0
	Extraordinary	e NOV NOV to EDPRP/Settlement Offer		
	Ordinary			
	N/A	x (mark with x)		
	Notes The F	lespondent does not meet the good faith criteria for		
		this violation.		Accordance
	L-manuscha (m)	Violation S	ubtotal	\$1,500
	www.companyanananananananananananananananananan			41,500
Economic Benefit (EB) for	this violation	Statutory Limit 7	'est	
Estimate	ed EB Amount	\$1,800 Violation Final Penals	ty Total	\$3,450
		his violation Final Assessed Penalty (adjusted for	limits)	\$3,450
	,	, (25,2500	/(	1-/:

ity of Mart 0697 N101388544 ublic Water S Item Cost To commas or \$	Supply				Percent Interest	<b>.</b>
N101388544 ublic Water S	Supply				Percent Interest	
ublic Water S	Supply				Percent Interest	
Item Cost					Percent Interest	
Item Cost						Years of
			******			Depreciation
					5.0	1.
lo commas or \$	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
				-		
			0.00	\$0	\$0	\$0
						\$0
					\$0	\$0
						\$0
						\$0
	<u> </u>	_				\$0 \$0
<del></del>		***************************************				\$0 \$0
	<b> </b>					\$0 \$0
	<del> </del>		0.00	\$0 \$0	*********************************	
	and the form of the first of the first of				<u>n/a</u>	\$0
					inva (	<b>\$0</b>
ANNUAL	IZE [1] avoided	costs before		ng item (except i	or one-time avoic	led costs)
ANNUAL	IZE [1] avoided	costs before	0.00	ig item (except i \$0	or one-time avoic \$0	led costs) \$0
ANNUAL	IZE [1] avoided	costs before	0.00	ng item (except ) \$0 \$0	or one-time avoid \$0 \$0	led costs) \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	ng item (except ) \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	ng item (except ) \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
			0.00 0.00 0.00 0.00 0.00	ng item (except : \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
\$750 \$450	IZE [1] avoided	costs before  5-Jun-2008 3-Jul-2008	0.00 0.00 0.00 0.00	ng item (except ) \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
				0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	0.00 \$0   0.00 \$0	0.00 \$0 \$0 \$0   \$0   \$0   \$0   \$0   \$0

Screening Date		<b>Docket No.</b> 2010-1844-MLM-E	PCW
Respondent Case ID No.			y Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violation Number	6		
Rule Cite(s)	30 Tex. Admin. Code § 2	90.110(f)(4) and Tex. Health & Safety Code § 341.03	15(c)
Violation Description	free chlorine for a period of the record review, it v 2009, a disinfectant resid	nfectant residual of at least 0.2 milligrams/liter ("mg/L more than four consecutive hours. Specifically, at the was documented that on August 14, 2008 and January lual of at least 0.2 mg/L of free chlorine was not maint or more than four consecutive hours.	time 23,
		Base Pe	nalty \$1,000
>> Environmental, Proper			
Release	Harm Major Moderat		
<b>OR</b> Actual			
Potential	<u> </u>	Percent 50%	
>>Programmatic Matrix			
Falsification	Major Moderat	e Minor Percent 0%	
			·
Matrix Failure to pro	perly disinfect the water p	prior to making it available to the distribution system of	ould
Notes expose custom		nificant amount of contaminants which would exceed le protective of human health.	CVCIS
			+5001
		Adjustment	\$500
			\$500
Violation Events			
	F		3553955555
Number of V	iolation Events 2	Number of violation days	
	dally		
	weekly monthly		
mark only one with an x	quarterly	Violation Base Per	nalty \$1,000
with all x	semiannual	300000	
	annual x		
,	<u> </u>		
	Two sinal	e events are recommended.	1.1111111
***************************************			
Good Faith Efforts to Comp	shu oo	9% Reduction	\$0
GOOG FAILH EHOLIS TO COM	Before NO		7 T T T T T T T
	Extraordinary		
	Ordinary N/A ×	(mark with x)	
	Notes The Resp	ondent does not meet the good faith criteria for this violation.	
	L.		
		Violation Sub	total \$1,000
Economic Benefit (EB) for	this violation	Statutory Limit Tes	1
		900000000000000000000000000000000000000	
Estimate	ed EB Amount	\$420 Violation Final Penalty 1	
	This	violation Final Assessed Penalty (adjusted for lin	nits) \$2,000

	City of Mart	conomic	<i></i>				
Case ID No.	£5 *						
eg. Ent. Reference No.							
	Public Water S						Years of
		ouppiy				Percent Interest	Depreciation
Violation No.	р						
						5.0	1
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Dela yeu costs Equipment		ir — — i		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		<del> </del>		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land	***************************************	il — — — i		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		i e e e e e e e e e e e e e e e e e e e		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
. reem. jebu majuu pababba sis Eisse kikk sakilasiiski	ANNUAL	IZE [1] avoided	costs before (	enterir	ng item (except i	for one-time avoic	led costs)
Notes for DELAYED costs  Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs befare (	enterir 0.00	ng item (except i	for one-time avoid	led costs) \$0
Avoided Costs	ANNUAL	IZE [1] avoided	costs before (	*****	\$0 \$0		\$0 \$0
Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided	costs before (	0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL	IZE [1] avoided	costs before (	0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	ANNUAL 5200	IZE [1] avoided	31-Aug-2008	0.00 0.00 0.00 0.00 0.00 1.00	\$0 \$0 \$0 \$0 \$0 \$0 \$10	\$0 \$0 \$0 \$0 \$0 \$0 \$200	\$0 \$0 \$0 \$0 \$0 \$0 \$210
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$200 \$200 The avoide	1-Aug-2008 1-Jan-2009	31-Aug-2008 31-Jan-2009 se estimated an water from ent	0.00 0.00 0.00 0.00 1.00 1.00	\$0 \$0 \$0 \$0 \$0 \$10 \$10 ar additional overs	\$0 \$0 \$0 \$0 \$0 \$0 \$200	\$0 \$0 \$0 \$0 \$0 \$0 \$210 \$210 avoided or

Screening Date		Docket No. 2010-1844-MLM-E	entialatiainaenteenteganoon marronolo avan malionaalaa aista	PCW
Responden Case ID No			Policy Revision 2 (Se PCW Revision Oc	
Reg. Ent. Reference No			, an iteration of	
	] Public Water Supply			
Enf. Coordinato	**************************************			
Violation Numbe				
Rule Cite(s	3	0 Tex. Admin. Code § 290.111(i)(7)		
Violation Description	mandatory Comprehensi n ("CAP"). Specifically, at	erformance-limiting factors identified in the Octob ve Performance Evaluation ("MCPE") Corrective A the time of the record review, it was documented ent on the following 15 corrective actions: (See Al A).	ction Plan I that the	
		Bas	e Penalty	\$1,000
>> Environmental, Prope	rty and Human Heal	th Matrix		
	Harm			
Release		e Minor		
OR Actua Potentia		Percent 25%		
( 0,0,13,0	" <u>L</u>	l le constitution de la constitu		
>>Programmatic Matrix				
Falsification	Major Moderat	e Minor Percent 0%		
L.	<u> 1</u>	Percent 070		
Failure to cor	rect performance-limiting f	actors identified in the MCPE CAP could result in c	ustomers	
Matrix of the Facility	being exposed to a signific	ant amount of contaminants which would not exc	eed levels	
Notes	that are	protective of human health.		
		*******	\$750	
		Adjustment	\$750	
				\$250
Violation Events				
· Ionakon C·Cheg			4444488888888888	
	15	27 Number of violation	days	
mark only one with an x	daily weekly monthly quarterly semiannual	Violation Base	e Penalty	\$3,750
	annual Cingle event			
	single event <u>x</u>			
Fifteen	single events are recomme	nded (one for each corrective action not complete	eu).	
Billion and a state of the stat			ranauproscanicionali	
Good Faith Efforts to Com		Reduction  NOV to EDPRESSET Import Offer		\$0
	Before NO Extraordinary	V NOV to EDPRP/Settlement Offer		
	Ordinary			
	N/A x	(mark with x)		
		ondent does not meet the good faith criteria for this violation.		
	L		Cubtot-1	<u>ቀን ግርሳ</u>
		Violation		\$3,750
Economic Benefit (EB) for	this violation	Statutory Limit	Test	
Estimat	ted EB Amount	\$1,191 Violation Final Pena	lty Total	\$8,625
	This	violation Final Assessed Penalty (adjusted fo	or limits)	\$8,625

	Е	conomic	Benefit	Wo	rksheet		
Respondent					######################################	raenalarin (1911) et el foliologiste et el foliologiste (1910) et en foliologiste (1910) et el foliologiste (1	
Case ID No.	40697						
g. Ent. Reference No.		1					
on Soll Color of the fig.	Public Water S	Sunnly					Years of
Violation No.		заррту				Percent Interest	Depreciation
Violation No.						5.0	15
	Ttem Cost	Date Required	Final Date	Vrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Item Description	NO Commas of a						a (KOAPA KOAPATAN BASA)
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	12-Oct-2010	30-Nov-2011	1.13	\$19	\$378	\$397
Engineering/construction	\$10,000	12-Oct-2010	30-Nov-2011	1.13	\$38	\$756	\$794
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	, ca	alculated from the	date of the rec	ord rev	riew to the estimat	actors identified in t ed date of complian for one-time avoid	ice.
Avoided Costs Disposal	ARNUAL	IZE [I] avoided	Costs Delote	0.00	\$0	\$0	\$0
Personnel		<del>   </del>		0.00	\$0	\$0 \$0	\$0
pection/Reporting/Sampling	***************************************			0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		<del> </del>		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		1 11 20 20 20 20 20		0.00	\$0	\$0	\$0
Other (as needed)	******************		***************************************	0.00	\$0	\$0	\$0
outer (as necess)		11					
Notes for AVOIDED costs							
		115.000			الموسونية		ф1 101
Approx. Cost of Compliance		\$15,000			TOTAL		\$1,191

### City of Mart 2010-1844-MLM-E Attachment A

- 1. Develop, document, and implement a corrective maintenance program that ensures the prompt repair or replacement of damaged or inoperative equipment.
- 2. Develop, document, and implement an effective preventive maintenance program.
- 3. Update the Operations and Maintenance ("O & M") manual to include an accurate piping diagram showing the location of all the Facilities pipes and valves.
- 4. Update the O & M manual to accurately describe pumps, motors, impellers, gauges, meters, valves, and other appurtenances currently used at the Facility.
- 5. Modify the O & M manual to include complete written instructions for: preparing jar test stock solutions, conducting jar tests, and applying results when making chemical feed rate adjustments, beginning and ending production run, properly and completely backwashing the filter and implementing the revised and approved monitoring plan.
- 6. Update the O & M manual to accurately describe the design, operation and maintenance of the Facility's automatic alarm and shutoff system, an explanation of how to adjust the alarm based on treatment and operational objectives, and the specified actions which must be taken when alarms are triggered.
- 7. Update the O & M manual to include written procedures for performing and documenting calibrations and performance checks for process monitoring instrumentation used to collect, record, and maintain logs for reportable data.
- 8. Operators will implement the process control monitoring regimen described in the contact time study revision and revised monitoring plan.
- 9. Submit a revised monitoring plan for review and approval that documents the monitoring regimen that will be used to evaluate the performance of all major treatment processes at the Facility. Also, describing how often each process will be monitored, identifying the performance target and acceptable ranges for each test, and briefly identify the actions that will be taken if the results are outside the acceptable range.
- 10. Implement the improvements to the waste stream management facilities in accordance with the requirements of the approved plans and specifications.
- 11. Submit engineering reports, plans and specifications, prepared by a licensed professional engineer, for proposed improvements to the waste stream management facilities.
- 12. Public Works Director ("PWD") will ensure that the Facility staff reads and is familiar with the owner's manuals for the solids contact clarifier and if necessary, receives on-site training from the clarifier manufacturer or its local representative.
- 13. The PWD will provide the TCEQ with copies of training plans, documents and course outlines for review and approval prior to conducting training to satisfy the requirements of their corrective actions.
- 14. Develop, document, and implement policies and procedures which explicitly prohibit personnel that do not have a Class "C" or higher surface water license from operating the Facility or performing tasks that only licensed operators are allowed to perform.
- 15. Develop, document and implement policies and procedures to ensure that the Facility's staff and PWD develop a proposed operating budget and present the proposal to the city council in a timely manner.

	ening Date		<b>Docket No.</b> 2010-1844-MLM-E	PCW
	espondent ase ID No.	i, *		Policy Revision 2 (September 2002 PCW Revision October 30, 200
Reg. Ent. Ref	erence No.	RN101388544		
		Public Water Supply		
	oordinator tion Number	Andrea Linson		
Viola	Rule Cite(s)		Tex. Admin. Code § 290.111(e)(3)(D)(ii)	
	No.			
Violation	n Description	each day the Facility is i was documented tha effluent of each filter a	record the turbidity level at the effluent of each fill n operation. Specifically, at the time of the record t the Respondent did not record the turbidity level at least once each day for the following periods: 12 4 days in July 2008 and 14 days in August 2008.	review, it at the
			Base	Penalty \$1,00
>> Environmen	ital, Proper	ty and Human Hea	lth Matrix	
	Release	<b>Harn</b> Major Modera		
or	Actual			
	Potential	X	Percent 50%	
>>Programmat	ic Matrix			
	Falsification	Major Modera		
			Percent 0%	
F	Failure to me	easure and record the the	turbidity level at each effluent of each filter could	result in
Matrix			to significant amounts of contaminants which wou	
Notes		levels that	are protective of human health.	
			Adjustment	\$500
			######################################	
				\$50
iolation Events	\$			
	\$2000	L	N. sebes of violeties of	· · · · · · · · · · · · · · · · · · ·
		3	92 Number of violation of	iays
		daily		
		weekly		
	mark only one	monthly <u>x</u> quarterly	Violation Base	Penalty \$1,50
	with an x	semianпual		· ·
		annual		
		single event		
	***************************************			
	Three mon	ithly events are recomme	nded, calculated for the months the violations occu	rred.
	**************************************			
ood Faith Effo	rts to Com <sub>l</sub>	ply 0.0	0% Reduction	\$
		Before N	OV NOV to EDPRP/Settlement Offer	
		Extraordinary Ordinary		
		N/A X	(mark with x)	
		Notes Ine Kest	pondent does not meet the good faith criteria for this violation.	
		Limite		
	,		Violation	Subtotal \$1,50
conomic Benef	it (EB) for	this violation	Statutory Limit	rest
	Estimate	ed EB Amount	\$0 Violation Final Pena	Ity Total \$3,45
		<u> </u>		
			violation Final Assessed Penalty (adjusted fo	r limits) \$3.450
			violation Final Assessed Penalty (adjusted fo	r limits) \$3,450

. 8	Supply				Percent Interest	Years of Depreciation
					5.0	15
Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
n No commas or \$						
S						
						\$0
						\$0
						\$0
					**********************************	\$0
						\$0
						\$0
	J					\$0
	<u> </u>					\$0
	<u> L</u>					\$0 \$0
	The estimate	ed cost for this	violatio	n is addressed in	Violation No. 7	
ANNUAL						led costs)
, <u> </u>				\$0	\$0	\$0
				\$0	\$0	\$0
			0.00	\$0	\$0	\$0
Supplied South Control			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
	1			4.0		
			0.00	\$0	<u>\$0</u>	\$0
	No commas or \$	No commas or \$	No commas or \$	No commas or \$	No commas or \$	Item Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 DATES Assigned 8-Nov-2010 Screening 8-Nov-2010 8-Nov-2010 **EPA Due** PCW RESPONDENT/FACILITY INFORMATION Respondent City of Mart Reg. Ent. Ref. No. RN101388544 Major/Minor Source Minor Facility/Site Region 9-Waco CASE INFORMATION No. of Violations 1 Enf./Case ID No. 40697 Docket No. 2010-1844-MLM-E Media Program(s) Water Quality Order Type Findings Government/Non-Profit Yes Enf. Coordinator Andrea Linson-Mgbeodu Multi-Media Public Water Supply EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 91.0% Enhancement Subtotals 2, 3, & 7 \$2,730 Enhancement for one NOV with same/similar violations, 23 NOVs with Notes dissimilar violations and two final agreed orders with a denial of liability. 0.0% Enhancement Subtotal 4 \$0 Culpability The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 \$0 Economic Benefit Total EB Amounts Capped at the Total EB \$ Amount \$1,130 Approx. Cost of Compliance \$10,000 \$5,730 SUM OF SUBTOTALS 1-7 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$5,730

No deferral is recommended for Findings Orders.

Final Assessed Penalty

Reduction Adjustment

0.0%

20 for 20% reduction.)

\$5,730

\$5,730

\$0

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

DEFERRAL

Notes

Screening Date 8-Nov-2010

Respondent City of Mart

Case ID No. 40697

Reg. Ent. Reference No. RN101388544

Media [Statute] Water Quality

Enf. Coordinator Andrea Linson-Mgbeoduru

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

**Compliance History Worksheet** 

Component	Written notices of violation ("NOVs") with same or similar violations as those in		
NOVs	the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	23	46%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	<del>-</del>	40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	Φ	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addies	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which</i> violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
- 0000	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
at Violator (	Adjustment Per	centage (Sul	ototal 2
N/A	Adjustment Per	centage (Sub	ototal 3
pliance Histo	ry Person Classification (Subtotal 7)		
Average Pe	rformer Adjustment Per	centage (Sub	ototal 7
pliance Histo	ry Summary		
Compliance			]

Total Adjustment Percentage (Subtotals 2, 3, & 7) 91%

POlicy Revision 2 (September 2002)	000000000000000000000000000000000000000	Screening Date Respondent
PCW Revision October 30, 2008	597	Case ID No.
		Reg. Ent. Reference No. Media [Statute]
	drea Linson-Mgbeoduru	Enf. Coordinator Violation Number
11(a)(2)	Tex. Water Code § 2	Rule Cite(s)
A(4)(2)	rex; water code 97	
	led to prevent the unauthorized discharge ters in the state. Specifically, at the time of	
cumented that the Respondent	n investigation conducted on April 20, 201	Violation Description
	sludge settling lagoon	
Base Penalty \$10,000		
	and Human Health Matrix	>> Environmental, Proper
	Harm Major Moderate Minor	Release
Powerst 100/	Trajor Proceduce Timo	<b>OR</b> Actual
Percent 10%		Potential
	Major Moderate Minor	>>Programmatic Matrix Falsification
Percent 0%		
an insignificant amount of	Ith and the environment have been expose	Matrix Human I
lth or environmental receptors.	it do not exceed levels protective of humar	Notes contaminants
djustment \$9,000		
\$1,000		
		Violation Events
Number of violation days	tion Events 3	Number of V
	daily	
	weekly monthly	
Violation Base Penalty \$3,000	uarterly	mark only one with an x
	miannual annual	
	igle event	
	vents are recommended, calculated from the 2010, to the screening date, Novem	Three quarterly
	2010, to the screening date, Novem	
\$0 Offer	0.0% Reduction  Before NOV NOV to EDPRP/Settle	<b>Good Faith Efforts to Comp</b>
	aordinary	
	Ordinary   (mark with x)	
good faith criteria for	Notes The Respondent does not meet this violation	
Violation Subtatal #2 000	L.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Violation Subtotal \$3,000		
Statutory Limit Test		Economic Benefit (EB) for t
Violation Final Penalty Total \$5,730	B Amount \$1,130	Estimate
Penalty (adjusted for limits) \$5,730	inis violation Final Asses	

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Mart			0.0000000000		3.35923.3566.66.566.00.100.00.000.100.100.100.100.100.100	
Case ID No.	40697						
leg. Ent. Reference No.	RN101388544	}					
	Water Quality					A	Years of
Violation No.						Percent Interest	Depreciation
Fioración No.	Ī					5.0	15
	*******	Date Required	Final Date		Tutanast Cauad	Onetime Costs	EB Amount
22			rillai Date	115	Interest Saveu	Onethine Costs	LU AMBUM
Item Description	No commas or \$						
Delayed Costs			<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>		<del>,</del>	,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	20-Apr-2010	30-Nov-2011	1.61 0.00	\$54 \$0	\$1,076 n/a	\$1,130 \$0
Land				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System		<del> </del>			\$0 \$0	**************	\$0 \$0
Training/Sampling		-		0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
Remediation/Disposal				0.00	\$0 \$0	n/a	**************************************
Permit Costs Other (as needed)	ļ			0.00	\$0 \$0	n/a	50 \$0
Notes for DELAYED costs	unauthorized	discharge into Lai	ke Mart, calculai	ed fro	m the investigation te of compliance.	sludge lagoons to p andate documenting	the violation to
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterii	ng item (except	for one-time avoi	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$1,130
•							

# **Compliance History Report**

Customer/Respondent/Owner-Operator:

CN600344048

City of Mart

Classification: AVERAGE

Rating: 3.25

Regulated Entity:

RN101388544

CITY OF MART

Classification:

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

1550005

LOCATION:

WATER LICENSING

LICENSE

1550005

TCEQ Region:

112 NORTH COMMERCE STREET, MART, MCLENNAN COUNTY, TEXAS

REGION 09 - WACO

Date Compliance History Prepared:

November 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

November 08, 2005 to November 08, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Andrea Linson-Mgbeoduru

Phone:

512-239-1482

### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

#### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/24/2005

ADMINORDER 2005-1219-PWS-E

Classification: Major

Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the MCL for HAA5 in the third quarter of 2004

Classification: Major

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the MCL for TTHM in the third quarter of 2004

Effective Date: 06/05/2008

ADMINORDER 2007-1456-PWS-E

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L")

throughout the distribution system at all times.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.41(e)(5)

Description: Failed to provide an intruder-resistant fence to protect the Facility's raw water pumps.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to provide an intruder-resistant fence to protect the Facility's elevated and ground

storage tanks.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working

condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)(6)

30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities,

distribution system lines and related appurtenances in a watertight condition.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.42(f)(1)(D) Citation:

Description: Failed to store dry chemicals off the floor in a dry room that is located above the ground and

protected against flooding or wetting from floors, walls, and ceilings.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A) Citation:

Description: Failed to provide vacuum breakers on each hose bibb within the plant facility.

30 TAC Chapter 290, SubChapter D 290.46(t) Citation:

Description: Failed to post a legible sign that contains the name of the water supply and emergency

telephone numbers where a responsible official can be contacted.

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.43(c) Citation:

Description: Failed to design a proper roof slope on the ground storage tank in accordance with American Water Works Association ("AWWA") standards so that no water ponds at any point on the

roof and the roof has a slope of less than 0.75 inches per foot.

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.43(c)(3) Citation:

Description: Failed to maintain the overflow on the facility's storage tanks in strict accordance with

current AWWA design standards.

Classification: Major

30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)

Description: Failed to equip each filter with a manually adjustable rate-of-flow controller with

rate-of-flow indication or flow control valves with indicators.

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.46(f)(2) Citation:

Description: Failed to provide water system records to Commission personnel at the time of the

investigation.

Classification: Minor

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) Citation:

Description: Failed to seal the wellhead with a gasket or sealing compound to prevent the possibility of

contaminating the well water.

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B) Citation:

5A THC Chapter 341, SubChapter A 341.033(a)

Description: Failed to employ an additional water works operator for surface water systems that serve

more than 1,000 connections with a valid applicable license.

Any criminal convictions of the state of Texas and the federal government. В.

N/A

C. Chronic excessive emissions events. N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

01/20/2006 (439215)

2 03/13/2006 (456492)

3 11/21/2006 (516896)

4 01/22/2007 (535875)

5 08/30/2007 (571600)

6 10/29/2007 (598594)

7 02/15/2008 (618027)

8 08/11/2008 (687837)

9 11/21/2008 (741130)

10 03/30/2009 (741224)

11 04/16/2009 (742029)

12 06/22/2009 (745305)

13 06/25/2010 (828787)(828886)

14 09/07/2010

15 09/07/2010 (828914)

16 09/07/2010 (828935)

17 09/07/2010 (828957)

```
18 09/07/2010
                (828969)
19 09/07/2010
                (829073)
20 09/07/2010
                (829078)
21 09/07/2010
                (829179)
22 10/07/2010
                (829198)
23 09/07/2010
                (859929)
24 10/08/2010
                (864944)
25 11/01/2010
                (870413)
```

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

Date: 08/09/2006

(487779)

CN600344048

Self Report? NO

30 TAC Chapter 290, SubChapter D 290.44(d)

Citation:

30 TAC Chapter 290, SubChapter D 290.46(r)

Description:

Failure to design and maintain a water distribution system to provide at all times a

minimum pressure of 35 pounds per square inch (psi).

Date: 04/24/2007

(557484)

CN600344048

Self Report? NO

Citation:

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description:

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total

chlorine as per agency regulations.

Date: 08/31/2007

(828787)

CN600344048

Self Report?

Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(1) July 2007 - 12 days with combined filter effluent turbidity above 1.0 NTU.

Description: Self Report?

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Moderate

Classification: Minor

Classification: Major

Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(1)

Description:

July 2007 - 9.5% of the combined filter effluent turbidity readings were above 0.3

NTU, exceeding the 5.0% limit for the month.

Date: 09/11/2007

(828787)

CN600344048

Self Report? Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(3)

Description:

July 2007 - 60 4-hour periods when the plant was online but combined filter

effluent turbidity data were not collected.

Date: 09/28/2007

(828886)

CN600344048

Self Report? NO Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(1)

Description:

August 2007 - 2 days with combined filter effluent turbidity above 1.0 NTU.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(1)

Description:

August 2007 - 9.7% of the combined filter effluent turbidity readings were above

0.3 NTU, exceeding the 5.0% limit for the month.

Date: 10/10/2007

(828886)

CN600344048

Self Report?

Citation:

30 TAC Chapter 290, SubChapter F 290.111(e)(3)

Description:

August 2007 - 155 4-hour periods when the plant was online but combined filter

effluent turbidity data were not collected.

Date: 10/19/2007

(595745)

CN600344048

Self Report?

Citation:

Classification: Minor

Description:

30 TAC Chapter 290, SubChapter D 290.46(r)

Failure to maintain minimum pressures in the distribution system.

Date: 07/31/2008 (685487) CN600344048

Self Report? Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d) 30 TAC Chapter 290, SubChapter D 290.46(r)

Failure to provide at all times a minimum pressure of 35 pounds per square inch

(psi) in the distribution system.

Description:

CN600344048 Date: 09/12/2008 (688158)

Self Report? Classification: Minor

30 TAC Chapter 290, SubChapter D 290.44(d) Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Failure to provide at all times a minimum pressure of 35 pounds per square inch Description:

(psi) in the distribution system.

CN600344048 (828957)Date: 10/03/2008

Self Report? Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.110(f)(4) Citation:

August 2008 - 1 day with low disinfectant residual entering the distribution Description:

system for more than 4.0 consecutive hours.

Classification: Moderate Self Report? NO 30 TAC Chapter 290, SubChapter F 290.111(e)(3) Citation:

August 2008 - 30 4-hour periods when the plant was online but combined filter Description:

effluent turbidity data were not collected.

Self Report? Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.111(e)(3) Citation:

August 2008 - 14 days when the plant was online but individual filter effluent Description:

turbidity data were not collected.

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.111(d)(2) Citation:

August 2008 - 6 days when disinfection profiling data were not collected. Description: Classification: Moderate

Self Report? 30 TAC Chapter 290, SubChapter F 290.110(c) Citation:

August 2008 - 4 days when disinfectant residual leaving the plant was not Description:

properly monitored.

Date: 10/03/2008 (828914)CN600344048

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.111(e)(1) Citation:

June 2008 - 17 days with combined filter effluent turbidity above 1.0 NTU. Description:

Classification: Moderate Self Report? NO 30 TAC Chapter 290, SubChapter F 290.111(e)(1) Citation:

June 2008 - 81.7% of the combined filter effluent turbidity readings were above

Description:

0.3 NTU, exceeding the 5.0% limit for the month.

Classification: Moderate Self Report? 30 TAC Chapter 290, SubChapter F 290.111(d)(1)(D) Citation:

June 2008 - 1 day with low CT for more than 4.0 consecutive hours. Description:

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.111(e)(3) Citation:

June 2008 - 30 4-hour periods when the plant was online but combined filter Description:

effluent turbidity data were not collected.

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.111(e)(3) Citation:

June 2008 - 12 days when the plant was online but individual filter effluent Description:

turbidity data were not collected.

Classification: Moderate Self Report? 30 TAC Chapter 290, SubChapter F 290.111(d)(2) Citation:

June 2008 - 4 days when disinfection profiling data were not collected. Description:

Classification: Moderate Self Report?

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)

June 2008 - 5 days when disinfectant residual leaving the plant was not properly Description: monitored.

CN600344048 Date: 10/03/2008 (828935)

Classification: Moderate Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1) Description: July 2008 - 5 days with combined filter effluent turbidity above 1.0 NTU. Classification: Moderate Self Report? 30 TAC Chapter 290, SubChapter F 290.111(e)(1) Citation: July 2008 - 28.0% of the combined filter effluent turbidity readings were above Description: 0.3 NTU, exceeding the 5.0% limit for the month. Classification: Moderate Self Report? NO 30 TAC Chapter 290, SubChapter F 290.111(e)(3) Citation: July 2008 - 18 4-hour periods when the plant was online but combined filter Description: effluent turbidity data were not collected. Self Report? Classification: Moderate 30 TAC Chapter 290, SubChapter F 290.111(e)(3) Citation: July 2008 - 14 days when the plant was online but individual filter effluent Description: turbidity data were not collected. Classification: Moderate Self Report? NO 30 TAC Chapter 290, SubChapter F 290.111(d)(2) Citation: July 2008 - 4 days when disinfection profiling data were not collected. Description: Classification: Moderate Self Report? 30 TAC Chapter 290, SubChapter F 290.110(c) Citation: July 2008 - 3 days when disinfectant residual leaving the plant was not properly Description: monitored. Date: 11/21/2008 (741130)CN600344048 Classification: Moderate Self Report? 30 TAC Chapter 290, SubChapter F 290.113(f)(4) Citation: 5A THSC Chapter 341, SubChapter A 341.0315(c) Violated the maximum contaminant level for trihalomethanes during the third Description: quarter of 2008. Date: 11/24/2008 (828969)CN600344048 Classification: Moderate Self Report? 30 TAC Chapter 290, SubChapter F 290.111(e)(1) Citation: September 2008 - 1 day with combined filter effluent turbidity above 1.0 NTU. Description: Self Report? Classification: Moderate 30 TAC Chapter 290, SubChapter F 290.111(e)(1) Citation: September 2008 - 5.2% of the combined filter effluent turbidity readings were Description: above 0.3 NTU, exceeding the 5.0% limit for the month. CN600344048 Date: 01/14/2009 (829073)Classification: Moderate Self Report? Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2) October 2008 - 31 days when disinfection profiling data were not collected. Description: CN600344048 Date: 02/23/2009 (864944)Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.42(i) Unpermitted discharge of decant (supernatant) water from a sludge/backwash Description: water lagoon. Date: 02/26/2009 (723901)CN600344048 Classification: Minor Self Report? Citation: 30 TAC Chapter 290, SubChapter D 290.44(d) 30 TAC Chapter 290, SubChapter D 290.46(r) Failure to provide at all times a minimum pressure of 35 pounds per square inch Description:

CN600344048 Date: 03/30/2009 (741224)Self Report?

Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.113(f)(4) Citation: 5A THSC Chapter 341, SubChapter A 341.0315(c)

(psi) in the distribution system.

Violated the maximum contaminant level for trihalomethanes during the first Description:

quarter of 2009.

Date: 04/09/2009 (829078)CN600344048

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.111(e)(1) Citation:

December 2008 - 1 day with combined filter effluent turbidity above 1.0 NTU. Description:

(829179) CN600344048 Date: 04/27/2009

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(4)

January 2009 - 1 day with low disinfectant residual entering the distribution Description:

system for more than 4.0 consecutive hours.

(789785)CN600344048 Date: 03/20/2010

Classification: Moderate Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Failure to repair a known leak. Description:

Date: 05/11/2010 (829198)CN600344048

Self Report? NO Classification: Major

30 TAC Chapter 290, SubChapter F 290.111(i)(7) Citation:

May 4, 2010 - Failure to comply with the Corrective Action Plan (CAP) issued Description:

following the October 2008 mandatory Comprehensive Performance Evaluation

N/A

(mCPE)

CN600344048 Date: 06/04/2010 (796419)

Classification: Minor Self Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Failure to repair a known leak. Description:

CN600344048 Date: 06/11/2010 (859929)

Self Report? Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)

February 2010 - 15.0% of the combined filter effluent turbidity readings were Description:

above 0.3 NTU, exceeding the 5.0% limit for the month.

N/A F. Environmental audits.

Type of environmental management systems (EMSs).

N/A Voluntary on-site compliance assessment dates. H.

Participation in a voluntary pollution reduction program. N/A I.

N/A J. Early compliance.

Sites Outside of Texas

N/A

G.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	Š	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF MART	§	
RN101388544	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2010-1844-MLM-E

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or "TCE	Q") considered this agreement of the parties, resolving an
enforcement action regarding	the City of Mart ("the Respondent") under the authority of TEX.
WATER CODE chs. 7 and 26 and	d Tex. Health & Safety Code ch. 341. The Executive Director of
the TCEQ, through the Enfor	cement Division, and the Respondent, represented by Charlie
	ted this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 112 North Commerce Street in Mart, McLennan County, Texas (the "Facility") that has approximately 1,301 service connections and serves at least 25 people per day for at least 60 days per year.

- 2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 3. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not prevent the unauthorized discharge of other waste into or adjacent to the waters in the state. Specifically, at the time of the record review, it was noted that an investigation conducted on April 20, 2010, documented that the Respondent continued to allow the unauthorized discharge of decant water from the Facility's sludge settling lagoon into Lake Mart.
- 4. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not maintain the turbidity level of the combined filter effluent ("CFE") so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU") and not to exceed 0.3 NTU in at least 95% of the samples tested each month. Specifically, at the time of the record review, it was documented that the CFE turbidity readings exceeded 1.0 NTU for the following periods: 12 days in July 2007, two days in August 2007, 17 days in June 2008, five days in July 2008, one day in September 2008 and one day in December 2008. Additionally, the turbidity readings of monthly samples exceeded 0.3 NTU in more than five percent of the samples for the following months: 9.5% for July 2007, 9.7% for August 2007, 81.7% for June 2008, 28.0% for July 2008, 5.2% for September 2008 and 15% for February 2010.
- 5. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not measure and record the turbidity level of the CFE at least every four hours. Specifically, at the time of the record review, it was documented that the Respondent did not record the CFE turbidity data for the following periods: 60 four-hour periods in July 2007, 155 four-hour periods in August 2007, 30 four-hour periods in June 2008, 18 four-hour periods in July 2008 and 30 four-hour periods in August 2008.
- 6. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not meet the inactivation requirements of the disinfection process used by the Facility for a period longer than four consecutive hours. Specifically, at the time of the record review, it was documented that the Facility failed to achieve microbial inactivation levels within a four-hour period on June 17, 2008.
- 7. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not monitor the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan. Specifically, at the time of the record review, it was documented that the Respondent did not monitor the performance of the disinfectant facilities for four days in June 2008, four days in July 2008, six days in August 2008, and 31 days in October 2008.
- 8. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not continuously monitor and record the disinfectant residual of the

water entering the distribution system. Specifically, at the time of the record review, it was documented that the Respondent did not continuously monitor the disinfectant residual of water entering the distribution system nor perform grab sampling every four hours in lieu of continuous monitoring for five days in June 2008, three days in July 2008, and four days in August 2008.

- 9. During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not maintain a disinfectant residual of at least 0.2 milligrams/liter ("mg/L") of free chlorine for a period more than four consecutive hours. Specifically, at the time of the record review, it was documented that on August 14, 2008 and January 23, 2009, a disinfectant residual of at least 0.2 mg/L of free chlorine was not maintained for more than four consecutive hours.
- During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not correct the performance-limiting factors identified in the October 2008 mandatory Comprehensive Performance Evaluation ("MCPE") Corrective Action Plan ("CAP"). Specifically, at the time of the record review, it was documented that the Respondent was delinquent on the following 15 corrective actions of the MCPE CAP:
  - a. Develop, document, and implement a corrective maintenance program that ensures the prompt repair or replacement of damaged or inoperative equipment;
  - b. Develop, document, and implement an effective preventive maintenance program;
  - c. Update the Operations and Maintenance ("O & M") manual to include an accurate piping diagram showing the location of all the Facilities pipes and valves;
  - d. Update the O & M manual to accurately describe pumps, motors, impellers, gauges, meters, valves, and other appurtenances currently used at the Facility;
  - e. Modify the O & M manual to include complete written instructions for: preparing jar test stock solutions, conducting jar tests, and applying results when making chemical feed rate adjustments, beginning and ending production run, properly and completely backwashing the filter and implementing the revised and approved monitoring plan;
  - f. Update the O & M manual to accurately describe the design, operation and maintenance of the Facility's automatic alarm and shutoff system, an explanation of how to adjust the alarm based on treatment and operational objectives, and the specified actions which must be taken when alarms are triggered;
  - g. Update the O & M manual to include written procedures for performing and documenting calibrations and performance checks for process monitoring instrumentation used to collect, record, and maintain logs for reportable data;

- h. Operators will implement the process control monitoring regimen described in the contact time study revision and revised monitoring plan;
- i. Submit a revised monitoring plan for review and approval that documents the monitoring regimen that will be used to evaluate the performance of all major treatment processes at the Facility. Also, describing how often each process will be monitored, identifying the performance target and acceptable ranges for each test, and briefly identify the actions that will be taken if the results are outside the acceptable range;
- j. Implement the improvements to the waste stream management facilities in accordance with the requirements of the approved plans and specifications;
- k. Submit engineering reports, plans and specifications, prepared by a licensed professional engineer, for proposed improvements to the waste stream management facilities;
- 1. Public Works Director ("PWD") will ensure that the Facility staff reads and is familiar with the owner's manuals for the solids contact clarifier and if necessary, receives on-site training from the clarifier manufacturer or its local representative;
- m. The PWD will provide the TCEQ with copies of training plans, documents and course outlines for review and approval prior to conducting training to satisfy the requirements of their corrective actions;
- n. Develop, document, and implement policies and procedures which explicitly prohibit personnel that do not have a Class "C" or higher surface water license from operating the Facility or performing tasks that only licensed operators are allowed to perform; and
- o. Develop, document and implement policies and procedures to ensure that the Facility's staff and PWD develop a proposed operating budget and present the proposal to the city council in a timely manner.
- During a record review conducted on October 12, 2010, TCEQ staff documented that the Respondent did not measure and record the turbidity level at the effluent of each filter once each day the Facility is in operation. Specifically, at the time of the record review, it was documented that the Respondent did not record the turbidity level at the effluent of each filter at least once each day for the following periods: 12 days in June 2008, 14 days in July 2008 and 14 days in August 2008.
- 12. The Respondent received notice of the violations on November 3, 2010.

#### II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of other waste into or adjacent to the waters in the state, in violation of Tex. Water Code § 26.121(a)(2).
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to maintain the turbidity level of the CFE so as not to exceed 1.0 NTU and not to exceed 0.3 NTU in at least 95% of the samples tested each month, in violation of 30 Tex. Admin. Code § 290.111(e)(1)(A) and (B) and Tex. Health & Safety Code § 341.0315(c).
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to measure and record the turbidity level of the CFE at least every four hours, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(B).
- 5. As evidenced by Findings of Fact No. 6, the Respondent failed to meet the inactivation requirements of the disinfection process used by the Facility for a period longer than four consecutive hours, in violation of 30 Tex. ADMIN. CODE § 290.111(d)(1)(D) and Tex. Health & Safety Code § 341.0315(c).
- 6. As evidenced by Findings of Fact No. 7, the Respondent failed to monitor the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan, in violation of 30 Tex. Admin. Code § 290.111(d)(2)(A).
- 7. As evidenced by Findings of Fact No. 8, the Respondent failed to continuously monitor and record the disinfectant residual of the water entering the distribution system, in violation of 30 Tex. ADMIN. CODE § 290.110(c)(1)(A).
- 8. As evidenced by Findings of Fact No. 9, the Respondent failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine for a period more than four consecutive hours, in violation of 30 Tex. Admin. Code § 290.110(f)(4) and Tex. Health & Safety Code § 341.0315(c).
- 9. As evidenced by Findings of Fact No. 10, the Respondent failed to correct the performance-limiting factors identified in the October 2008 MCPE CAP, in violation of 30 Tex. Admin. Code § 290.111(i)(7).
- As evidenced by Findings of Fact No. 11, the Respondent failed to measure and record the turbidity level at the effluent of each filter once each day the Facility is in operation, in violation of 30 Tex. Admin. Code § 290.111(e)(3)(D)(ii).

- 11. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 12. An administrative penalty in the amount of Forty-Eight Thousand Four Hundred Five Dollars (\$48,405) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Forty-Three Thousand Six Hundred Seventy-Two Dollars (\$43,672) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Forty-Eight Dollars (\$148) of the undeferred administrative penalty. The remaining amount of Four Thousand Five Hundred Eighty-Five Dollars (\$4,585) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Thirty-One Dollars (\$131) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Forty-Eight Thousand Four Hundred Five Dollars (\$48,405) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are

not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Mart, Docket No. 2010-1844-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges from the Facility's sludge settling lagoon, in accordance with TEX. WATER CODE § 26.121.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
    - ii. Begin maintaining the turbidity level of combined filter effluent below 1.0 NTU and 0.3 NTU in at least 95% of the tested samples, in accordance with 30 Tex. ADMIN. CODE § 290.111;
    - iii. Begin measuring and recording the turbidity level of the CFE at least every four hours, in accordance with 30 Tex. ADMIN. CODE § 290.111;
    - iv. Develop and implement procedures to ensure the inactivation requirements of the disinfection process are met, in accordance with 30 Tex. Admin. Code § 290.111;
    - v. Begin measuring and recording the following: disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan, in accordance with 30 Tex. Admin. Code § 290.111;
    - vi. Begin continuously monitoring and recording the disinfectant residual of the water entering the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.110;
    - vii. Begin maintaining a minimum disinfectant residual of 0.2 mg/L of free chlorine for treated water for a period more than four consecutive hours, in accordance with 30 Tex. Admin. Code § 290.110; and

- viii. Begin measuring and recording the turbidity level at the effluent of each filter once each day the Facility is in operation, in accordance with 30 TEX. ADMIN. CODE § 290.111.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii through 2.b.viii.
- d. Within 180 days after the effective date of this Agreed Order:
  - i. Properly dispose of all Facility wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or byproduct material from operations and recycle decant from the sludge settling lagoon according to Commission standards, as required by 30 Tex. Admin. Code § 290.42; and
  - ii. Correct performance-limiting factors identified during the October 2008 MCPE CAP, in accordance with 30 Tex. Admin. Code § 290.111. Submit a detailed report addressing the corrective measures taken to correct the performance limiting factors, including but not limited to those listed in Section I (Findings of Fact) paragraphs 10.a through 10.o. The report shall be submitted to:

Utility Creation & Plan Review Team Water Supply Division, MC 153 Texas Commission on Environmental Quality P. O. Box 13087 Austin, Texas 78711-3087

e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

> Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

and a copy to:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P. O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- This Agreed Order may be executed in separate and multiple counterparts, which 9. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	i i
For the Executive Director	1/17/12_ Date
I, the undersigned, have read and understand to City of Mart. I am authorized to agree to the a Mart, and do agree to the specified terms and co in accepting payment for the penalty amount, is a	attached Agreed Order on behalf of the City of nditions. I further acknowledge that the TCEQ,
I understand that by entering into this Agreed O rights, including, but not limited to, the right to Agreed Order, notice of an evidentiary hearing, to appeal. I agree to the terms of the Agreed Agreed Order constitutes full and final adjudic forth in this Agreed Order.	o formal notice of violations addressed by this he right to an evidentiary hearing, and the right Order in lieu of an evidentiary hearing. This
<ul> <li>additional penalties, and/or attorney fees</li> <li>Increased penalties in any future enforcer</li> <li>Automatic referral to the Attorney General and</li> <li>TCEQ seeking other relief as authorized by In addition, any falsification of any compliance described.</li> </ul>	may result in:  ns submitted; eneral's Office for contempt, injunctive relief, s, or to a collection agency; ment actions; eral's Office of any future enforcement actions; by law. locuments may result in criminal prosecution.
Signature Signature	<u>9-26-2011</u> Date
Name (Printed or typed) Authorized Representative of City of Mart	<u>9-26-2011</u> Date <u>Mayor</u> Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.